

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

**UNITED STATES OF AMERICA**

) Criminal No. 5:17-CR-228 (FJS)

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## ) Indictment

)

**CHARLES TAN,**

) Violations: 18 U.S.C. § 924(b) [Receiving Firearm and Ammunition with Intent to Commit an Offense]

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) 18 U.S.C. §§ 922(a)(6) &  
 ) 924(a)(2); 2(a) & (b)  
 ) [False Statement During  
 ) Purchase of a Firearm]  
 )

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) 18 U.S.C. §§ 924(a)(1)(A); 2  
 ) (a) & (b) [False Statement  
 ) During Purchase of a Firearm]

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) 3 Counts

3

**Defendant.**

County of Offense: Cortland

## THE GRAND JURY CHARGES:

## COUNT 1

[Receiving Firearm and Ammunition with Intent to Commit an Offense]

On or about February 5, 2015, in Cortland County, in the Northern District of New York, and elsewhere, defendant **CHARLES TAN**, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, and with knowledge and reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year was to be committed therewith, received a firearm and ammunition in interstate commerce, that is **TAN** received a Remington Model 870 12 Gauge Shotgun with serial number RS50700V, Winchester 12 Gauge Shotgun ammunition, and Federal 12 Gauge Shotgun ammunition with intent to commit, among other felonies, Murder in the Second Degree, Manslaughter in the First Degree, and Manslaughter in the Second Degree, in violation of New York Penal Law Sections 125.25(1),

125.20(1), and 125.15(1), respectively, and willfully caused another to commit such acts, in violation of Title 18, United States Code, Sections 924(b) and 2(b).

**COUNT 2**  
**[False Statement During Purchase of a Firearm]**

On or about February 5, 2015, in Cortland County, in the Northern District of New York, and elsewhere, defendant **CHARLES TAN**, in connection with the acquisition of a firearm from a licensed dealer of firearms, aided, abetted, counseled, commanded, induced, procured, and willfully caused another to knowingly make a false and fictitious written statement to a dealer of firearms intended and likely to deceive such dealer with respect to a fact material to the lawfulness of the sale under the provisions of Chapter 44 of Title 18 of the United States Code, that is the identity of the actual purchaser of a Remington Model 870 12 Gauge Shotgun with serial number RS50700V from a Walmart store in Cortland, New York, in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2(a) & (b).

**COUNT 3**  
**[False Statement During Purchase of a Firearm]**

On or about February 5, 2015, in Cortland County, in the Northern District of New York, and elsewhere, defendant **CHARLES TAN**, aided, abetted, counseled, commanded, induced, procured, and willfully caused another to knowingly make a false statement and representation with respect to information required by Chapter 44 of Title 18 of the United States Code to be kept in the records of a person licensed under that chapter, that is the identity of the actual purchaser of a Remington Model 870 12 Gauge Shotgun with serial number RS50700V from a Walmart store in Cortland, New York, in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2(a) and (b).

## **FORFEITURE ALLEGATION**

The allegations contained in Counts One through Three of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

Upon conviction of one or more of the offenses in violation of Title 18, United States Code, Sections 922 and 924 as set forth in Counts One through Three of this Indictment, the defendant, **CHARLES TAN**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the knowing commission of the offenses, including, but not limited to:

- a) A Remington, Model 870, 12 Gauge Shotgun, with serial number RS50700V;
- b) A Winchester, 12 Gauge Shotgun ammunition; and
- c) A Federal 12 Gauge Shotgun ammunition.

If any of the property described above, as a result of any act or omission of the defendant:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States

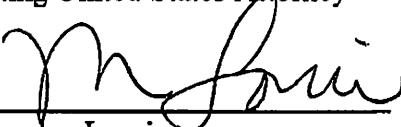
Code, Section 2461(c).

Dated: August 23, 2017

A TRUE BILL, \*\*NAME REDACTED

[REDACTED]  
\_\_\_\_\_  
Grand Jury Foreperson

GRANT C. JAQUITH  
Acting United States Attorney

By:   
Miroslav Lovric  
Assistant United States Attorney